



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105
July 31, 2012

CERTIFIED MAIL No. 7005-2570-0001-6436-5078
RETURN RECEIPT REQUESTED

Mr. Lucio DeAnda
President
Pyramid Circuits, Inc.
1405 Richard Ave.
Santa Clara, CA 95050

Re: Notice of Inspection Results under the Resource Conservation and Recovery Act; Opportunity for Expedited Settlement within Thirty Days

Dear Mr. DeAnda:

On April, 7, 2011, representatives of the Environmental Protection Agency ("EPA"), Region IX, accompanied by representatives of the Santa Clara City Fire Department, conducted a Compliance Evaluation Inspection of Pyramid Circuits Inc. ("PCI") in Santa Clara, California. The facility is located at 1405 Richard Ave, EPA Identification Number CAD982472151. As detailed in EPA's December 12, 2011 Notice of Violation and inspection report, PCI was not in compliance with the requirements of the Resource Conservation and Recovery Act, 42 U.S.C. §6922(a)(6) and the California hazardous waste management program at the time of the inspection. The violations identified during the inspection are as follows:

1. Failure to Obtain a Permit for the "Storage" of "Hazardous Waste" 22 CCR § 66270.1(c) [40 CFR § 270.1(c) as referenced by 40 CFR § 262.34(d)]
2. Failure to Meet Hazardous Waste Container Labeling Requirements 22 CCR § 66262.34(d) [40 CFR § 262.34(d)(4)]
3. Failure to Close a Container Holding Hazardous Waste 22 CCR § 66265.173(d) [40 CFR § 265.173 as referenced by 40 CFR § 262.34(d)(4)]
4. Failure to Properly Label Universal Waste 22 CCR § 66273.34[40 CFR § 273.14 (e)]

Under the authority of Section 3008 of RCRA, 42 U.S.C. §6928, EPA may pursue civil penalties of up to thirty-seven thousand five hundred dollars (\$37,500) per day for each violation of Subtitle C of RCRA, including violations of approved and authorized State program requirements. The requirements are part of California's hazardous waste management program as approved and authorized by EPA under RCRA.

For the violations alleged herein, however, EPA is offering you an opportunity to settle this matter quickly with payment of a substantially reduced penalty. This is based on the fact that PCI provided written documentation on December 19, 2011 showing that PCI quickly resolved the violations identified during the inspection and that PCI is a first time violator. If you choose to participate in the Expedited Settlement process, we will settle the violations listed above for \$8,400, as shown in the enclosed Proposed Penalty Worksheet.

To take advantage of the Expedited Settlement process, within thirty days of your receipt of this letter you must:

- (1) Complete and return to EPA the enclosed Expedited Settlement Agreement ("ESA" or

"Agreement"). In signing the attached Agreement, you are certifying that you have corrected your RCRA violations and paid the assessed penalty, and you are waiving your opportunity for a hearing or an appeal concerning your violation.

(2) Pay the assessed penalty of \$8,400 according to the enclosed instructions. Your penalty payment should conform to the instructions contained in the "Additional Instructions for Making a Payment for: Superfund, FOIA, Travel, Bankcard, Fines and Penalties". This document can be found at http://www.epa.gov/ocfo/finservices/payment_instructions.htm

Your signed ESA and proof of penalty payment (e.g., a copy of the check, a statement of affirmation regarding electronic funds transfer) should be sent certified mail, return receipt requested, to:

Estrella Armijo
RCRA Enforcement Office (WST-3)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

If you do not follow the procedures outlined in this letter for Expedited Settlement (e.g., pay the assessed penalty and sign the ESA) within 30 days of receipt of this letter, this settlement offer will be automatically withdrawn, without prejudice to EPA's ability to file an enforcement action for the cited violations. EPA may seek penalties of up to \$37,500 per day for each violation.

By copy of this letter, EPA is providing California with notice of the referenced violations of Subtitle C of RCRA.

We are committed to the fair and rapid settlement of this matter. If you have any questions, or wish to discuss the general circumstances of your case, please contact Estrella Armijo of my staff at (415) 972-3859 or armijo.estrella@epa.gov.

Sincerely,



Kaoru Morimoto, Acting Manager
RCRA Enforcement Office

cc w/o Enclosures:

Sue Laney
California Department of Toxic Substances Control
slaney@dtsc.ca.gov

Angela Giuliani
Santa Clara City Fire Department
AGiuliani@santaclaraca.gov

David Wampler
Environmental Protection Agency, Region 9
wampler.david@epa.gov

Enclosures
Expedited Settlement Agreement
Proposed Penalty Worksheet

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

IN THE MATTER OF:

Pyramid Circuits Inc.
EPA ID. No. CAD982472151
Respondent.

) Docket No.
) RCRA-09-2012-
)
) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND**
) **FINAL ORDER**
)
)

EXPEDITED SETTLEMENT AGREEMENT

- A. The U.S. Environmental Protection Agency ("EPA") alleges that Pyramid Circuits, Inc. ("PCI" or "Respondent"), owner or operator of the facility at 1405 Richard Ave., Santa Clara, CA 95050 (the "Facility"), failed to comply with the following requirements under the Resource Conservation and Recovery Act ("RCRA") and the EPA approved and authorized California hazardous waste management program (California Code of Regulations, Division 4.5 of Title 22):
1. Failure to Obtain a Permit for the "Storage" of "Hazardous Waste" 22 CCR § 66262.34(d) [40 CFR § 262.34(d)]
 2. Failure to Meet Hazardous Waste Container Labeling Requirements 22 CCR § 66262.34(d) [40 CFR § 262.34(d)(4)]
 3. Failure to Close a Container Holding Hazardous Waste 22 CCR § 66265.173(d) [40 CFR § 265.173 as referenced by 40 CFR § 262.34(d)(4)]
 4. Failure to Properly Label Universal Waste 22 CCR §§ 66273.34 [40 CFR § 273.14(e)]
- B. Alleged Violations
1. Under 22 CCR § 66262.34(d) [40 CFR § 262.34 (d)], Respondent was required to obtain a permit for the storage of hazardous waste for greater than 180 days.
 - a. During the Compliance Evaluation Inspection ("CEI") the inspector observed one 55-gallon container of (D002, D04, D007, D008) hazardous waste in the hazardous waste storage exceeding the storage limit of 180 days by 9 day. The accumulation starts date observed was 10/01/10 and it was disposed of on 4/8/2011.
 2. Under 22 CCR § 66262.34(d) [40 CFR § 262.34(d)(4)], Respondent was required to

have the following information clearly marked and visible for inspection on all hazardous waste containers: 1.) date accumulation begins, 2.) the words "Hazardous Waste", 3.) the composition and physical state of the waste, 4.) hazardous properties of the waste, and 5.) facility name and address.

- a. During the CEI the inspector observed unlabeled containers of hazardous waste in the hazardous waste storage area, plating area and the gold room. PCI failed to label 16 containers of hazardous waste in the hazardous waste storage area, plating area and Gold room. PCI has since properly disposed these wastes.
3. Under 22 CCR § 66265.173(d) [40 CFR § 265.173 as referenced by 40 CFR § 262.34(d)(4)], the Respondent was required to keep containers of hazardous waste closed during storage, except when necessary to add or remove waste.
 - a. The facility failed to close 6 containers of hazardous waste in the hazardous waste storage area and the plating area. The containers have since been closed.
4. Under 22 CCR § 66273.34 [40 CFR § 273.14 (e)], a small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste.
 - a. The universal waste lamps at the facility were not labeled or marked clearly with the required phrases. The facility has recycled the universal waste and currently has two containers used to accumulate universal waste lamps; with proper labeling.
- C. EPA and Respondent agree that settlement of this matter for a penalty of eight thousand four hundred dollars (\$8,400) is in the public interest. The attached Proposed Penalty Worksheet is incorporated by reference.
- D. EPA is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
- E. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the California Code of Regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to contest the allegations contained herein.
- F. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violation(s) have been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this Agreement.
- G. The civil penalty of \$8,400 should be paid in accordance with the enclosed document titled "Additional Instruction for Making a Payment for: Superfund, FOIA, Bankcard, Fines and Penalties". Include a copy of the first page of this Agreement with your payment.

- H. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
- I. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
- J. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
- K. Each party shall bear its own costs and fees, if any.
- L. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

IT IS SO AGREED,

Name (print): _____

Title (print): _____

Signature: _____

Date _____

APPROVED BY EPA:

Jeff Scott, Director
Waste Management Division
U.S. Environmental Protection Agency, Region 9

Date _____

IT IS SO ORDERED:

Steven Jawgiel
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 9

Date _____

RCRA EXPEDITED SETTLEMENT AGREEMENT**Proposed Penalty Worksheet****Facility Name: Pyramid Circuits, Inc.****EPA ID Number: CAD982472151**

1. Does the facility qualify as a non-profit or small business as defined by the Small Business Act?
(See: <http://www.sba.gov/content/determining-business-size>) X YES NO

Explanation: PCI is identified by the NAICS Code 334418, Printed Circuit Assembly (Electronic Assembly) Manufacturing. They had 3-5 employees at the time of inspection and according to Dunn and Bradstreet they have 6 employees and their sales volume is \$350,000 annually. The SBA defines a small business within the 334418 NAICS code to be a small business if it has less than 500 employees. Therefore PCI is a small business.

Small Business Facility Violations	Penalty	Multiplier (number of individual violations, i.e., # of drums)	Total
Labeling violations	\$350	16	\$5,600
Dating violations	\$350		
Open containers	\$350	6	\$2,100
Storage of hazardous waste for no more than 30 days OVER the allowed time (i.e., 121 days for LQGs = not eligible)	\$350	1	\$350
Minor deficiencies in contingency plan (for LQGs) or emergency postings (SQGs)	\$350		
Used oil violations, not including releases	\$350		
Universal waste violations	\$350	1	\$350
Training record violations	\$350		
Other eligible violation(s) – list each	\$350		
Other eligible violation(s) – list each	\$350		
TOTAL			\$8,400